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FM AMEMBASSY TRIPOLI

TO RUEHPNH/NVC PORTSMOUTH NH

RUEHC/SECSTATE WASHDC 5307

INFO RUEHEE/ARAB LEAGUE COLLECTIVE

RUEHVT/AMEMBASSY VALLETTA 0447

RUEHRO/AMEMBASSY ROME 0613

RUEHTRO/AMEMBASSY TRIPOLI 5853

UNCLAS SECTION 01 OF 03 TRIPOLI 000772

SIPDIS

DEPT FOR CA/FPP, CA/VO/KCC, AND NEA/MAG  
POSTS FOR FRAUD PREVENTION MANAGERS  
ROME FOR DHS/ICE, DHS/CIS, AND DHS/CBP

E.O. 12958: N/A

TAGS: KFRD CVIS CPAS CMGT ASEC LY

SUBJECT: FRAUD SUMMARY - TRIPOLI - SEPTEMBER 2009

REF: 08 STATE 74840

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1. The following responses are keyed to reftel.

a. COUNTRY CONDITIONS: Fraud Level: Low. Tripoli provides the full range of American Citizen Services and has been issuing the full range of non-immigrant visas since March 25, 2009. Because of Libya's longtime isolation, there are few "pull" factors from the United States, as the Libyan diaspora in the United States is very small. As Libya is a relatively wealthy country, "push" instigators for Libyan citizens are also fairly minimal.

Official Libyan documents are generally unsophisticated and usually handwritten, featuring few, if any, security features. We also have heard reports that genuine documents with false information are obtainable from the authorities, possibly for a fee, but also through family connections. In addition, the Libyan government is extremely reluctant to share or confirm information about its citizens with us, which limits our ability to conduct fraud investigations. Further to this, the GOL requires that all law-enforcement related inquiries proceed through only one designated host government security service point of contact. While RSO at post is extremely supportive, our inability to develop consular law enforcement contacts limits ability to conduct anti-fraud work. Libyan applicants in general are unfamiliar with U.S. laws and processes and have proven susceptible to a number of fraudulent schemes in an effort to obtain visas or American citizen services.

b. NIV FRAUD: Post only began processing visas other than A and G in the past 6 months, and to date we have seen only a few cases of conventional fraud involving presentation of false documents. In one such case, an H1B applicant presented documents that were clearly fake and stated that he paid a large sum for them on-line. He believed this to be the process to obtain a work visa in the United States. DHS has reported two Libyan applicants turned back at point of entry and admitting to lying during their interviews. In one case, the applicant mentioned that a known visa-fixing agency in Tripoli had coached him on successful interview techniques and recommended borrowing money to enhance his bank account statement. In addition, we have seen cases where we suspect applicants of using their personal connections to obtain a genuine diplomatic note to get a visa for personal travel, and avoid fees and interviews. We have confirmed with the Ministry of Foreign Affairs (MFA) in all of these cases that the diplomatic notes are genuine, and have usually issued the visas in accordance with the request. We continue to follow up in these cases to ensure that the applicants in question return to Libya, but have seen no new instances of overstays. We will continue to monitor such cases closely. Post has heard reports from other Embassies that Libyan

visa applicants sometimes procure false employment letters from friends who work at prominent international companies. Post has implemented a Business Visa Program which allows member companies to register with us, and provide sample signatures of all employees authorized to sign job letters for visa applicants. All of our employment-based cases so far have involved petitions from international oil companies; we have detected no evidence of any fraud thus far.

c. IV FRAUD: Over the past year, Tripoli began to accept petitions for immigrant visas from resident American citizens, but Tunis continues to interview these cases. We have not yet seen any instances of fraud or questionable relationships. We do note that Libyan applicants often present the "Family Book" rather than separate birth and marriage certificates. While this is a valid civil document, we require a birth and marriage certificate, both of which are available. All three documents are handwritten, and contain no security features. We have no exposure to employment-based IV cases.

d. DV FRAUD: Tripoli does not process DV applications, and has received no inquiries regarding potential DV fraud from other Posts. We have received inquiries from DV applicants and other Libyans who have either seen advertisements or received e-mail from "service providers" offering assistance completing the DV forms, and have placed a general warning about the use of service providers for any visa services on our website.

e. ACS AND U.S. PASSPORT FRAUD: Embassy Tripoli resumed full passport and ACS services in FY-2007. Most claims are from first-time adult passport applicants, and are based upon birth in the United States while a parent was attending university. These cases require more time to review than most, in large part due to reliance upon Libyan documents to establish the identity of applicants. However, the vast majority of applicants are able to produce both parents' passports from the time of their birth, with visas and entry stamps confirming

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presence in the United States, as well as surprisingly vast amounts of supporting documentation. We routinely ask for two forms of identity documents from adult passport applicants because of increasing concerns about the potential vulnerability of the Libyan passport as an identity document. Libya issues a national identity card to its citizens at age 16, and most Libyans also hold a drivers' license. Both of these documents include a photo, but are only in Arabic.

f. ADOPTION FRAUD: Local law does not allow for the adoption of a Libyan child by foreign nationals. Only a resident U.S. citizen who is married to a Libyan national or is a dual-national can adopt in this country. To date, Embassy Tripoli has received only one general inquiry regarding adoption in Libya, and has not seen a case. A pending case involves an American family in France seeking to adopt an illegal TCN immigrant child in Libya; the outcome remains uncertain.

g. USE OF DNA TESTING: Post has not had any cases referred for DNA testing to date.

h. ASYLUM AND OTHER DHS BENEFITS FRAUD: Post receives infrequent reports of a lost/stolen I-551. We have begun to process these cases in close coordination with DHS colleagues in Paris and Rome. We have not detected any efforts at fraud or misrepresentation in this area. We have not processed any VISAS 92/93 cases.

i. ALIEN SMUGGLING, TRAFFICKING, ORGANIZED CRIME, TERRORIST TRAVEL: While Libya is a transit and destination country both for economic migrants and victims of trafficking, especially from sub-Saharan Africa to Europe, it is not a center for the production of false documents. Traffickers and smugglers operating in Libya tend to focus on providing boat travel to Europe for migrants, who often seek asylum on arrival. Libya does have vast borders in the Sahara which are extremely difficult to police. Estimates indicate that 1.5-2 million

irregular (illegal) migrants are present in-country but live outside mainstream Libyan society. Post knows that European Embassies routinely require a U.S. visa in order to issue a Schengen transit visa for travel to the United States, but has received no inquiries or reports regarding possible imposters or other misuse of U.S. travel documents in order to reach another Western country. In the 6 months we have been processing NIVs, we have not noted any TCN applicants who appear to be involved in smuggling or trafficking. Most TCN applicants are executive-level employees of international oil or construction companies.

j. DS CRIMINAL FRAUD INVESTIGATIONS: Post's RSO served as ARSO/I and FPM in his last assignment while the ARSO's previous assignment was as an RSO-I. Post has an SOP for referring fraud cases to RSO. However, to date, we have not had any cases to refer to DS with the exception of the H1B fraudster.

k. HOST COUNTRY PASSPORT, IDENTITY DOCUMENTS, AND CIVIL REGISTRY: Libyan passports and civil documents are uniformly handwritten, frequently contain errors, and have few if any security features. None have biometrics or machine-readable features. While both marriage and birth certificates are available, the document in everyday use to demonstrate relationships is the Libyan "Family Book." The book has a blue or green cover, and is issued to men when they get married. A man's family book contains only his photo, and data about his wife and children. Unmarried people are in their father's family book, except in the case of widows, who are the only women who can have their own book. Libya issues both national identity cards and drivers licenses, handwritten in Arabic only, with a photo. We use these as secondary evidence of identity. Despite how easy it would be to counterfeit Libyan documents, we have not seen or heard of cases where identity is falsified.

The Libyan passport is the only official government document that has an English translation, handwritten on one of the last pages. The GOL has indicated that in the future, it plans to assign a single national ID number which will identify a person from the registration of their birth through their entire life. Under this plan, passport numbers would remain the same for a person's entire life. It is not clear how the GOL would register lost or expired passports under the scheme, or if old passports would remain valid. The GOL is in the process of modernizing its passport; it has provided us with a series of prospective dates for the rollout of a more modern document, some as early as last year. The new passport and identity documents are currently slated for release in the next few months. The GOL has not shared an exemplar of the new passport.

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The Maltese Embassy, one of the busiest visa-issuing countries in Libya, has identified several genuine Libyan passports issued with erroneous data. Libyan passports include a note if the passport is a replacement for an older passport. This notation, according to the Maltese, can be "forgotten" if the prior passport would reveal inconvenient truths about the applicant's travel history. This calls into question the integrity of the Libyan passport as an identity document. Post is not aware of any trend in alteration of Libyan passports. The passport agency and civil registry has reportedly begun a process of "correcting" the last names of Libyan citizens, many of whom, as is common in the Arab world, use an ancestor's first name as their last name. One visa applicant told us that this practice was no longer acceptable, and that the GOL was now requiring the use of "family" or clan last names instead. There are routinely four names in the Libyan passport--the applicant's first name, the father's and grandfather's first names, and then the family name. The handwritten English translation of the passport rarely contains a full translation of these four names - more frequently, one or both of the middle names is written as an initial only. When changes are made, no mention of any previous passports issued in another identity is necessarily mentioned. We routinely use the "alias" fields in the consular applications to counteract the potential for use of alternate identities by

mala fide applicants. Both Tunis and Tripoli use only the passport number on Libya passports. In September 2008, Tunis detected numerous duplicates in their database. Contact with the Libyan Passport Agency indicates that in addition to the six-digit passport number, three "series" letters are used. The Arabic letters "wow," "ha", and "ya," as well as "no letter" serve to differentiate the passport series. These letters do not appear on the passport data page. Post continues to attempt to find a way to capture these letters in the consular applications without causing problems for visa holders at POE, where inspectors would notice a mismatch between the visa and the passport data page.

1. COOPERATION WITH HOST GOVERNMENT AUTHORITIES: While our relationship with Libya is improving, it remains complicated. Many routine requests must be submitted by diplomatic note, and even then, are often ignored. The Consular section is not permitted by the GOL to have any contact with host-country law enforcement, as all such contact is required to be between RSO and a designated GOL liaison. Even with close cooperation with RSO, working through this channel often requires repeated requests for the same information. In addition, the GOL has repeatedly expressed concern about sharing its citizens' personal data with foreign governments, which will further complicate efforts to investigate identity fraud.

m. AREAS OF PARTICULAR CONCERN: We are working with other Embassy sections, and with other Embassies in Tripoli to develop our understanding of how applicants here will attempt to overcome 214(b). Early indicators are that few unqualified applicants are presenting themselves for interviews.

n. STAFFING AND TRAINING: The deputy section chief serves as FPM. He has not had any specific Fraud Prevention training in the past five years. There is no dedicated LESS fraud prevention position. All local staff is sensitized to fraud issues and understand the importance of both internal controls and our external image in relation to fraud prevention. When translation is needed in visa or passport cases, we use our native Arabic-speaker Consular Associate to avoid the appearance that a Libyan employee has influence into the visa or passport process. All new staff are required to take FPP on-line training courses as part of their orientation.

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CRETZ